MONTANA LEGISLATIVE HISTORY

Chapter 566 19 85

Bill H 611 S _____ Original bill & history ✓ C

| | | | | | |
|---|---|---|---|---|---|
| H. Committee on | Fish & Game | | S. Committee on | Fish & Game | |
| Hearing Date(s) | Feb 12 | ✓ C | Hearing Date(s) | Mar 26 | ✓ C |
| | Feb 19 | ✓ C | | | C |
| | | C | | | C |
| | | C | | | C |
| Date Out | Feb 19 | ✓ C | | Mar 26 | ✓ C |

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____ Report _____

RETURNED TO HOUSE WITH AMENDMENTS
4/08 2ND READING AMENDMENTS NOT CONCURRED 94 1
4/09 CONFERENCE COMMITTEE APPOINTED
4/17 CONFERENCE COMMITTEE REPORT

HOUSE
4/18 2ND READING CONFERENCE COMMITTEE REPORT ADOPTED 95 2
4/18 3RD READING CONFERENCE COMMITTEE REPORT ADOPTED 97 2

SENATE
4/18 2ND READING CONFERENCE COMMITTEE REPORT ADOPTED 48 0
4/18 3RD READING CONFERENCE COMMITTEE REPORT ADOPTED 49 0
4/23 SIGNED BY SPEAKER
4/23 SIGNED BY PRESIDENT

4/24 TRANSMITTED TO GOVERNOR
4/30 SIGNED BY GOVERNOR
CHAPTER NUMBER 655 EFFECTIVE DATE: 10/01/85

HB 609 INTRODUCED BY RAMIREZ
DURABLE POWERS OF ATTORNEY

2/01 INTRODUCED
2/01 REFERRED TO JUDICIARY
2/06 HEARING
2/07 COMMITTEE REPORT-BILL DO PASS
2/08 2ND READING PASS 97 0
2/11 3RD READING PASS 98 0

TRANSMITTED TO SENATE
2/12 REFERRED TO JUDICIARY
3/21 HEARING
3/21 COMMITTEE REPORT-BILL CONCURRED
3/23 2ND READING CONCURRED 49 0
3/26 3RD READING CONCURRED 45 5

RETURNED TO HOUSE
3/28 SIGNED BY SPEAKER
3/28 SIGNED BY PRESIDENT

3/28 TRANSMITTED TO GOVERNOR
4/01 SIGNED BY GOVERNOR
CHAPTER NUMBER 283 EFFECTIVE DATE: 10/01/85

HB 610 INTRODUCED BY HARRINGTON, MENAHAN, ET AL.
GAMBLING REGULATION BY SELF-GOVERNING COUNTIES OR CONSOLIDATED GOVERNMENTS

2/01 INTRODUCED
2/01 REFERRED TO BUSINESS & LABOR
DIED IN COMMITTEE

HB 611 INTRODUCED BY DEVLIN, ELLISON, ET AL.
REQUIRING TATTOO ON CERTAIN BEARS, WOLVES, MOUNTAIN LIONS, AND COYOTES

| | | | |
|---|---|---|---|
| 2/01 | INTRODUCED | | |
| 2/01 | REFERRED TO FISH & GAME | | |
| 2/02 | FISCAL NOTE REQUESTED | | |
| 2/08 | FISCAL NOTE RECEIVED | | |
| 2/12 | HEARING | | |
| 2/20 | COMMITTEE REPORT-BILL PASS AS AMENDED | | |
| 2/20 | STATEMENT OF INTENT ATTACHED | | |
| 2/22 | 2ND READING PASS AS AMENDED | 89 | 9 |
| 2/25 | 3RD READING PASS | 83 | 15 |
| | TRANSMITTED TO SENATE | | |
| 3/04 | REFERRED TO FISH & GAME | | |
| 3/26 | HEARING | | |
| 3/27 | COMMITTEE REPORT-BILL CONCURRED | | |
| 3/29 | 2ND READING CONCURRED AS AMENDED | 50 | 0 |
| 4/01 | 3RD READING CONCURRED | 47 | 1 |
| | RETURNED TO HOUSE WITH AMENDMENTS | | |
| 4/08 | 2ND READING AMENDMENTS CONCURRED | 81 | 12 |
| 4/08 | ON MOTION RULES SUSPENDED | | |
| | PLACED ON 3RD READING THIS DAY | | |
| 4/08 | 3RD READING AMENDMENTS CONCURRED | 77 | 21 |
| 4/15 | SIGNED BY SPEAKER | | |
| 4/15 | SIGNED BY PRESIDENT | | |
| 4/16 | TRANSMITTED TO GOVERNOR | | |
| 4/19 | SIGNED BY GOVERNOR | | |
| | CHAPTER NUMBER 566 EFFECTIVE DATE: 10/01/85 | | |

HB 612 INTRODUCED BY ADDY, FULLER, CHRISTIAENS
INCREASED ASSESSMENT OPTIONS FOR SPECIAL IMPROVEMENT DISTRICTS

| | | | |
|---|---|---|---|
| 2/01 | INTRODUCED | | |
| 2/01 | REFERRED TO LOCAL GOVERNMENT | | |
| 2/07 | HEARING | | |
| 2/11 | COMMITTEE REPORT-BILL PASS AS AMENDED | | |
| 2/13 | 2ND READING PASS | 52 | 45 |
| 2/14 | 3RD READING PASS | 53 | 45 |
| | TRANSMITTED TO SENATE | | |
| 2/15 | REFERRED TO LOCAL GOVERNMENT | | |
| 3/26 | HEARING | | |
| 3/28 | TABLED IN COMMITTEE | | |

HB 613 INTRODUCED BY HANNAH, REHBERG, ET AL.
RESTRICT COURT ORDERED CHANGES TO BALLOT AFTER CERTIFICATION
BY REQUEST OF SECRETARY OF STATE

| | | | |
|---|---|---|---|
| 2/01 | INTRODUCED | | |
| 2/01 | REFERRED TO STATE ADMINISTRATION | | |
| 2/14 | HEARING | | |
| 2/15 | COMMITTEE REPORT-BILL PASS AS AMENDED | | |
| 2/18 | 2ND READING DO NOT PASS | 64 | 35 |
| 2/19 | SPECIAL ACTION | | |
| | RECONSIDER ACTION | | |
| 2/20 | 2ND READING PASS AS AMENDED | 65 | 27 |
| 2/21 | 3RD READING PASS | 73 | 27 |

HOUSE BILL NO. 611

INTRODUCED BY DEVLIN, ELLISON, SWITZER, HOLLIDAY, ASAY, KEYSER, HANSON, PHILLIPS, ABRAMS, KELLER, THOFT, NATHE, TVEIT, E. SMITH

IN THE HOUSE

| | |
|---|---|
| February 1, 1985 | Introduced and referred to Committee on Fish and Game. |
| February 4, 1985 | Fiscal Note requested. |
| February 7, 1985 | Fiscal Note returned. |
| February 20, 1985 | Committee recommend bill do pass as amended. Report adopted. |
| | Statement of Intent attached. |
| February 21, 1985 | Bill printed and placed on members' desks. |
| February 22, 1985 | Second reading, do pass as amended. |
| | Correctly engrossed. |
| February 25, 1985 | Third reading, passed. |
| | Transmitted to Senate. |

IN THE SENATE

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|---|---|
| March 4, 1985 | Introduced and referred to Committee on Fish and Game. |
| March 27, 1985 | Committee recommend bill be concurred in. Report adopted. |
| March 29, 1985 | Second reading, concurred in as amended. |

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| April 1, 1985 | Third reading, concurred in. Ayes, 47; Noes, 1.<br><br>Returned to House with amendments. |

IN THE HOUSE

| | |
|---|---|
| April 2, 1985 | Received from Senate. |
| April 8, 1985 | Second reading, amendments concurred in.<br><br>On motion, rules suspended and bill placed on third reading this day.<br><br>Third reading, amendments concurred in.<br><br>Sent to enrolling.<br><br>Reported correctly enrolled. |

HOUSE BILL NO. 611

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT ANY BEAR, WOLF, MOUNTAIN LION, OR COYOTE CAPTURED OR HELD IN CAPTIVITY BE PERMANENTLY TATTOOED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; PROVIDING A PENALTY; AND PROVIDING COMPENSATION FOR DAMAGE CAUSED BY SUCH ANIMALS HELD IN CAPTIVITY."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Tattooing of bears, wolves, mountain lions, or coyotes -- when required -- penalty. (1) Any bear, wolf, mountain lion, or coyote that is captured alive to be later released or which is held in captivity for any purpose must be reported to the department within 3 days of the capture or commencement of captivity. If a person capturing or holding in captivity such animal fails to report an animal as required by this section, such failure is a misdemeanor punishable as provided in 87-1-102.

(2) The department shall permanently tattoo each animal reported as required in subsection (1) in a manner that will provide positive individual identification of such animal. The department shall charge a fee of $35 for each animal tattooed, except for those animals captured or held





in captivity by the department. No tattoo is required under this section if the animal is subject to a permanent, individual identification process by another state or federal agency.

(3) Any person holding a bear, wolf, mountain lion, or coyote in captivity shall immediately report to the department any death, escape, release, transfer of custody, or other disposition of such animal.

Section 2. Tattoo records. The department shall maintain a record of each animal tattooed by it pursuant to [section 1]. The record shall indicate:

(1) the person by whom the animal was captured or is held in captivity;

(2) the location of the capture or captivity;

(3) the date the animal was tattooed;

(4) the purpose of the captivity or capture; and

(5) any death, escape, release, transfer of custody, or other disposition of such animal.

Section 3. Compensation for damage caused by animal held in captivity. If any bear, wolf, mountain lion, or coyote that is held in captivity causes any damage to the personal property of another person, compensation for such damage must be paid by the person holding the animal in captivity.

Section 4. Extension of authority. Any existing



INTRODUCED BILL
HB 611

authority of the department of fish, wildlife, and parks to make rules on the subject of the provisions of this act is extended to the provisions of this act.

Section 5. Codification instruction. Sections 1 through 3 are intended to be codified as an integral part of Title 87, chapter 1, part 2, and the provisions of Title 87 apply to sections 1 through 3.

-End-

STATE OF MONTANA

REQUEST NO. FNN 310-85

# FISCAL NOTE

Form BD-15

In compliance with a written request received February 4, 19 85 , there is hereby submitted a Fiscal Note for H.B. 611 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Require that any bear, wolf, mountain lion, or coyote captured or held in captivity be permanently tattooed by the Department of Fish, Wildlife, and Parks; provide a penalty; provide compensation for damage caused by such animals held in captivity.

ASSUMPTIONS:

1. Wild animals currently held in captivity by private individuals are estimated to be 13 mountain lions, 11 bears, 135 wolves and 150 coyotes. In addition to these, the department captures approximately 100 animals annually.
2. We assume the tattoo requirement applies to animals captured by the department in addition to those captured by private individuals.
3. For each animal tattooed, a fee of $35 will be charged.
4. Each animal will require two days of employee time at $10.00 per hour.
5. The number of animals tattooed will decrease after the first year. We estimate 50 animals held captive by individuals will require tattoos in each of the subsequent years.

FISCAL IMPACT:

| | FY 86 | FY 87 |
|---|---|---|
| Revenue: | | |
| Current Law | $ -0- | $ -0- |
| Proposed Law | $ 10,815 | $ 1,750 |
| Estimated Increase To State Special Revenue | $ 10,815 | $ 1,750 |

David L Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 7, 1985

FN6:G/1

CONSIDERATION OF HOUSE BILL NO 611: Representative Gerry Devlin, District 25, Terry, stated that this was an act requiring that any bear, wolf, mountain lion, or coyote captured and held in captivity be permanently identified by tattoo, and a record of that be kept by the Department of Fish, Wildlife, and Parks. He said that they had talked about some amendments to this bill, because the Department does not want to tattoo or keep track of black bear. He said that the thing that really prompted him to propose this, was that during the fire in the Roundup area, a newspaper article reported that a pet wolf had to be shot and there was a concern about how many others may have escaped. Representative Devlin said that after some of the wild animals have been in captivity for a period of time, they lose their fear of man. He said he felt that it is not very responsible to let people keep these animals without some sort of identification, because they may go out and destroy property. He said that he felt this proposed bill would help identify the animals causing damage and make the persons holding these animals in captivity responsible for any damage caused.

PROPONENTS: Don McKamey, Great Falls, President of the Montana Woolgrowers Association, said that they passed a resolution at their December meeting concerning this legislation. Mr. McKamey cited an example for the committee that had occurred two years ago on his ranch. He said that they had been getting ready to ship their lambs, and a black bear got in with the sheep and killed ten ewes and two lambs. He said that it took two nights to snare the bear, and then when the federal trapper and game warden came out to check it over, they found evidence that this bear had been marked or used for some kind of research purpose. He said he felt that this brings out the need for having these animals marked or identified in some way. He said that he felt they were not asking for anything that was too far out of line with this proposed legislation.

Jim Flynn, Director of the Department of Fish, Wildlife, and Parks, appeared before the committee in support of House Bill No. 611. He said that the Department has discussed this bill with the sponsor and has a number of amendments to offer to address some specific concerns they have. Mr. Flynn handed out a copy of his testimony and the proposed amendments to all committee members. (See Exhibit No. 3)

Teddy Thompson, Big Timber, cited an example for the committee of a grizzly bear that had killed 12 sheep on his land just north of Yellowstone Park. He said that this is a class II area where they are not supposed to have problems with grizzlies. He said that the bear was captured, tattooed, tranquilized, and generally mutilated. He had pictures of this bear for the committee to see, and stated that he felt that any animal that has been handled and tranquilized should also come under this bill.

Elaine Allestad, Big Timber, said that she felt that the amendments should not eliminate all black bear, but only the black bear who do not kill livestock or cause property damage. She said that she also felt that section three of the bill should clarify further who is responsible for the damages caused by a tattooed animal that has been relocated by the Department. (See Exhibit No. 4)

Janet Ellis, representing the Montana Audubon Council, said that the Council supports House Bill No. 611 with amendments. She handed in a copy of her testimony. (See Exhibit No. 5)

Lee Smoot, Jr., a rancher from Big Timber, said that he has sheep on his ranch and has trouble with bear. He urged the committee to support House Bill No. 611. (See Exhibit No. 6)

There were no further proponents, and no opponents to House Bill No. 611.

DISCUSSION OF HOUSE BILL NO. 611: Representative Ellison asked Mr. Flynn where they got the numbers for the wild animals currently held in captivity listed on the fiscal note for House Bill No. 611. Mr. Flynn said that the figures used are an educated guess. He said that there are probably more wolves in captivity than are listed on the fiscal note.

Representative Jenkins asked Mr. Flynn if this bill would cover the damage done by wild animals brought into the various parts of this state by individuals. Mr. Flynn said that it was the intent of section three, page two that the person by whom the animal was captured or is held in captivity pay the compensation for damage caused by that animal held in captivity. Representative Jenkins asked if there was a law in Montana protecting some of the animals from being killed, even if they had destroyed property or livestock. Mr. Flynn said that

the wolf and grizzly bear are federally protected species; and it is difficult to see if they are tattooed unless they are killed, so there is a problem in that area. Representative Jenkins asked if a stiffer fine could be assessed against persons that neglect to tattoo the animals. Mr. Flynn said that the legislature can assess any type of fine that they wish, but he does not know what that would be.

Representative Eudaily asked Mr. Flynn if he had prepared the fiscal note or had provided information for it. Mr. Flynn said that he was sure the Department had provided most of the information. Representative Eudaily stated his concern over the amount of time and the cost that the Department would have in tattooing the animals. Mr. Flynn said that the original legislation proposed that the Department would do all the tattooing, but the amendments he proposed would not have the Department do the tattooing. The tattooing would be done by a local veterinarian at the cost of the individual. He said that the fiscal note was drawn up before the amendments were proposed.

Representative Ream asked Mr. Flynn if he thought this bill would provide a mechanism to allow the State to get a handle on the number of bear, wolf, mountain lion, and coyote in captivity in the State. Mr. Flynn said that he felt this would provide a mechanism for the State. He said that he did now know of any grizzly bears, black bears, or coyotes in captivity that were not in a zoo or animal farm. He said they have jurisdiction over the animals in the zoo or animal farms and they have a means of identifying these animals, but they are concerned mostly about the wolf.

Representative Moore asked J. C. Cochran to comment on the proposal. Mr. Cochran said that he ran a small game farm and was also a trapper. He said that he was concerned about the bobcat they trap and wanted to know if they would have to tattoo the bobcat that they release from their traps. Mr. Flynn said that this bill did not cover bobcat. Mr. Cochran also stated that he raised coyotes on his game farm. Representative Moore asked him if he tattooed the coyotes. Mr. Cochran said that he tattooed only the fur bearing animals, and at the present time did not tattoo his coyotes.

Representative Grady wanted to know if the Department was as opposed to keeping the records on these animals as they were to tattooing them. Mr. Flynn said that they were not opposed to keeping the records of these animals, but they just did not want to get into the tattooing business.

Representative Ream asked Representative Devlin if the proposed amendments were acceptable to him. Representative Devlin said that he would like to go over the amendments more with the Department because there are some he does not quite agree with. He said that he had Dave Cogley draw up a few amendments. He said that he is not against the Department not doing the tattooing, but he would like to make sure that they are required to keep adequate records. Representative Ream wanted to know if the handling of bears in the National Parks of our state are covered under a game cooperative agreement. Mr. Flynn said that he did not know the answer to that. He said that he did not know if the federal government would acknowledge this law.

Representative Jenkins asked Mr. Flynn if it wouldn't be beneficial to tattoo the black bear when they are caught. Mr. Flynn said that he doesn't feel that there would be any benefit to tattooing black bear.

There being no further questions from the committee, Chairman Ream asked Representative Devlin to close. In closing, Representative Devlin said that he had Dave Cogley draw up some amendments and he would discuss these with Mr. Flynn. He again stressed the fact that he felt that an animal kept in captivity loses its fear of man and could cause some harm to a person, and he feels that something needs to be done. He said that he would work out some amendments and come back to the committee with them, if it was acceptable to the committee.

EXECUTIVE SESSION: House Bill No. 581. Representative Cobb moved that House Bill No. 581 DO PASS. Representative Ellison said that amendments were being passed around to all committee members, and he moved that numbers one and two and the NEW SECTION pass. Representative Rapp-Svrcek seconded the motion. Chairman Ream asked

Exhibit #3
H.B. #611
2-12-85

Testimony Presented by Jim Flynn, Department of Fish, Wildlife & Parks

HB 611

February 12, 1985

The department has discussed this bill with the sponsor and has a number of amendments to offer to address some specific concerns we have.

The bill has merit in that it would provide a mechanism to allow the State to get a handle on the number of these species which are in captivity in the State. At the present time, no such mechanism exists.

These particular species are not covered under the State's game farm laws and thus are not accounted for as are deer, elk, exotic species and captive furbearers and game birds.

Our concerns with the bill as presently written go to its apparent inclusion of the species captured and released in management or research projects.

As an example, we are conducting grizzly research in the Cabinet Wilderness Area. We may trap thirty black bear before a single grizzly is captured. While Commission policy and our research needs dictate that the grizzly be tatooed and collared, we have no need to tattoo the black bear.

HB 611, in its present form, would require such a tattoo.

We would request that the Committee consider these amendments and their intent to improve HB 611.

Exhibit # 3
p. 2
2-12-1985

AMENDMENTS

Page 1, Line 4 - Strike "any" and insert "certain"

Page 1, Line 21 - After (2), strike "The department shall permanently tattoo each animal as required in subsection (1)" and insert "Each animal reported as required in subsection (1) shall be tattooed"

Page 1, Line 24 - Strike "The department shall charge a fee of $35 for each animal tattooed, except for those animals captured or held in captivity by the department."

Page 2, Line 25 - Insert "New Section 4. Exceptions. This act shall not apply to those animals:

(1) captured and released as part of an on-going game management program or an on-going predator control program unless such animals have been involved in livestock killing;

(2) captured and released as part of a scientific, educational or research program as certified by the department."

Page 2, Line 25 - After Section, strike "4." and insert "5."

Page 3, Line 4 - After Section, strike "5." and insert "6."

Exhibit #4
2-12-1985
H.B #611

WITNESS STATEMENT

NAME Elaine Allestad BILL No. HB 611

ADDRESS Big Timber Mont. 59011 DATE 2/12/85

WHOM DO YOU REPRESENT SELF

SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I am in support of this bill because any person who owns a dog, They are responsible for their pets. They are responsible for any damages caused by their pets, which are their property. Then in turn any person with a bear, wolf, mountain lion or coyote should be just as responsible for their animals. and in order to keep records it is necessary to have a perminent tattoo or marking to identify each individual animal.

In section 3; it should be more defined to determine who is responsible for the animal in question, for example if a Fish, Wildlife & Parks field assistant (trapper) snares an animal that was causing property damage, and the Mont. Fish & Game steps in and wants this animal translocated, then it returns and causes further damage, who is responsible for this Id. animal, the [redacted] agency that captures it or the agency that releases it?

FORM CS-34
1-81

Exhibit #5
2-12-1985
H.B. #611

Montana Audubon Council
Testimony on HB 611
February 12, 1985

Mr. Chairman and Members of the Committee,

My name is Janet Ellis and I'm here today representing the Montana Audubon Council.

The Council supports HB 611 with amendments. We do not have any problems with the requirement that privately owned bears, wolves, mountain lions or coyotes have permanent tattoos. We support the Department's position that the private owner of these animals be responsible for making sure their "pet" has a proper tattoo.

We also support the basic idea behind the section of this bill requiring "captured" animals "to be later released" to be marked in a way to identify them for the future. This section seems especially important when these animals have been associated with livestock or humans in any way.

Our proposed amendments require that privately owned animals be required to obtain permanent tattoos. We feel, however, that such a permanent marking is unneccessary for captured and released animals. Permanent lip tattoos can cause ~~an~~ infection. These tattoos are difficult to apply and may even require a veterinairian to do the tattoo. Such a service would be costly to the state both in time and money as well as potentially harm the animal being marked.

The type of tattoo that can currently be administered in the field - and is not permanent - lasts up to 3 or 4 years. This type of tattoo would seemingly be an adequate method of marking animals with the chronic habit of causing problems to livestock or humans. We also suggest that the language for marking these animals be broadened to include other types of marking: ear tags or shaving some fur off an animal are two methods that mark the animal and may be adequate for the situation at hand.

The final amendment we would like this committee to consider is a type of disclaimer for marking animals that are captured and could pose a threat to the animal or the people capturing that animal. We would like to see this disclaimer placed in Section 1 of this bill. It would read something like this:

> Animals need not be marked during a capture if the safety of the animal and/or the person capturing the animal is at stake. A report detailing each such instance must be submitted to the department and reviewed by the commission.

We offer this last amendment in light of extenuating circumstances that may occur and prohibit the marking of a captured animal. Such an instance happened last year. It is currently the Department's policy to mark all grizzly bears it captures. Last year a bear was captured in a leg snare. The frightened animal carried the log attached to the snare for more than a quarter mile. When Department employees found the exhausted animal, it was late at night. The decision to be made was either to hold the animal until morning to mark the bear or quickly dart the bear and release it. Evidently, the people making the capture felt the bear could not withstand the extended drugging and holding to wait for morning. The bear was released, unmarked. Such extenuating circumstances should be few and far between. We would be more comfortable supporting this legislation if people capturing animals had the option to not mark an animal under this type of situation.

We feel that our amendments do not change the general purpose of this

VISITOR'S REGISTER

HOUSE FISH AND GAME COMMITTEE

BILL 611 DATE 2-12-85

SPONSOR DEVLIN

| NAME | RESIDENCE | REPRESENTING | SUP-PORT | OP-POSE |
|---|---|---|---|---|
| Teddy Thompson | Big Timber Mt. | self | X | |
| Elaine Allestad | " " " | " | X | |
| Tom Jarrett | Springdale " | " | X | |
| Roger Faw | Big Timber Mt | " | X | |
| Joe Sprout, Jr. | Big Timber, Mt. | Self | X | |
| Oliver Hammersmark | Big Timber MT | Hammersmark Ranch Co | X | |
| Lawrence Hamm | Condon Mont | Mont Trap Assn | | |
| J.V. Cochran | Whitefish Mt | Mont Trappers Assn | | |
| Stuart Doggett | Helena | Mt. Stockgrowers | X | |
| Bob Gilbert | Helena | MT Woolgrowers | X | |
| Don McNamy | Great Falls | MT. Woolgrowers | X | |
| Chas. Gott | Condon | Janet Moore | X | |
| Teddy Thompson | Big Timber | S.G. & Woolgrowers | X | |
| Bob Hanson | Helena | Self | | |

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

HOUSE FISH AND GAME COMMITTEE

BILL 692 DATE 2-12-85

SPONSOR MOORE

| NAME | RESIDENCE | REPRESENTING | SUP-PORT | OP-POSE |
|---|---|---|---|---|
| Gregory Hanson | Condon Mont | Mont Trappers Assoc | X | |
| J.C. Cochran | Whitlash Mt | Mont. Trappers Assoc. | X | |
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IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Service. Mr. Flynn said that he felt the Park Service was getting serious in this effort and that they were well intentioned.

Representative Grady said that he felt it would be hard to set up a season becuase they do not know when the buffalo will come out of the park. Mr. Flynn said that was a difficulty because they do not know when the buffalo will come out of the park, and then the sportsmen would have to be there ready at all times of the year. Representative Grady asked Mr. Flynn if it would be very hard then, to know how many permits to issue. Mr. Flynn said that they do not really have anything concrete to base the limits on.

Representative Hanson wanted to know how a hunt would be handled in the Park. Mr. Flynn said that the Park would never consider a hunt, but what they are considering is a roundup.

Representative Phillips asked Mr. Flynn what the Parks overall reaction was to the buffalo problem, and this suggested legislation in Montana. Mr. Flynn said that they have no comments that he is aware of, concerning this legislation.

In closing, Representative Menahan stated that they know why the buffalo leave the Park in the middle of winter, and that is for food. He said that it states in the Statement of Intent that the Department has the rules to set up the guidelines and procedures for a hunt, so he does not feel that this should be a big issue for them. He urged the committee to give this bill a DO PASS.

EXECUTIVE ACTION: Representative Pavlovich moved that House Bill No. 611 DO PASS. Representative Devlin's amendments were passed around and discussed by the committee members. Representative Eudaily moved that Section 4 of the Department of Fish, Wildlife, and Parks amendments be used in place of number 16 on the amendments handed out by Representative Devlin. Representative Phillips seconded the motion. Question was called. The motion passed unanimously. Representative Pavlovich moved that the remainder of Representative Devlin's amendments DO PASS. Representative Jenkins seconded the motion. Question was called. The motion passed

unanimously. Representative Pavlovich made a motion that House Bill No. 611 DO PASS AS AMENDED. Representative Jenkins seconded the motion. Question was called. The motion passed unanimously.

HOUSE BILL NO. 191: Representative Cobb made a motion that House Bill No. 191 DO NOT PASS. Representative Eudaily seconded the motion. Question was called. The motion passed. There were four dissenting votes of Representatives Cobb, Hanson, Jenkins, and Ellison.

HOUSE BILL NO. 39: Representative Ellison, sponsor of this bill, explained to the committee why he was taking delayed action on this bill. He handed out a copy of proposed amendments to all committee members. (See Exhibit No. 15) It was decided by the committee, to delay further action on this bill until February 21, 1985.

HOUSE BILL NO. 723: Representative Hanson moved that House Bill No. 723 DO PASS. Representative Hanson handed out to all committee members, a cost analysis sheet showing the 30¢ versus 40¢ commission increases. She explained this sheet to the committee. (See Exhibit No. 16) There was further committee discussion. Representative Phillips made a substitute motion to TABLE this bill. Representative Eudaily seconded the motion. The motion passed with the dissenting vote of Representative Cobb.

HOUSE BILL NO. 753: Representative Eudaily made a motion that House Bill No. 753 DO NOT PASS. Representative Cobb seconded the motion. Some committee discussion followed concerning "immediate control." Question was called. The DO NOT PASS motion carried, with the dissenting votes of Representatives Grady, Jenkins, and Ellison.

HOUSE BILL NO. 763: Representative Pavlovich made a motion that House Bill No. 763 DO PASS. Representative Cobb seconded the motion.

Representative Ellison said that he felt this bill was a good idea, but that it would not work. He said that if the park has decided to do something about this buffalo problem, then this bill would be a futile attempt at solving the problem.

Representative Eudaily said that he has had people in his district pressuring him to do something about this

Question was called on the amendments. The amendments passed unanimously. Representative Rapp-Svrcek then moved a new amendment that would state the requirement of having some symbol used on the vehicles of disabled persons. He said that he would have Mr. Cogley word the amendment. He said he felt the vehicles should be marked in some way with a fluorescent orange and the international symbol of the handicapped.

Representative Grady made a substitute motion that House Bill No. 764 DO NOT PASS. The DO NOT PASS motion failed. A decision to reverse the vote was made.

Question was called on the amendment. The amendment motion carried with the dissenting votes of Representatives Eudaily, Cobb, Montayne, Grady, and Phillips.

Representative Hanson moved to adopt the Statement of Intent. Representative Montayne seconded the motion. Question was called. The motion carried with the dissenting vote of Representative Rapp-Svrcek.

House Bill No. 764 received a DO PASS AS AMENDED recommendation and the Statement of Intent was adopted.

HOUSE BILL NO. 770: Representative Hanson made a motion that House Bill No. 770 DO NOT PASS. Representative Cobb seconded the motion. Representative Rapp-Svrcek made a substitute motion that House Bill No. 770 DO PASS. Representative Hart seconded the motion. Representative Eudaily moved that the Statement of Intent and amendments be adopted. Representative Ream seconded the motion. Question was called. The motion on the Statement of Intent and amendments passed with the dissenting votes of Representatives Cobb and Montayne. The motion to DO PASS AS AMENDED carried with the dissenting votes of Representatives Cobb, Montayne, and Hanson.

RESOLUTION BY SUBCOMMITTEE: A copy of the Joint Resolution was handed out to all committee members. (See Exhibit No. 17) Mr. Cogley explained some of the changes to the committee. Representative Eudaily moved the Joint Resolution DO PASS. The motion carried unanimously. Representative Grady volunteered to carry the Joint Resolution.

HOUSE BILL NO. 611: Representative Grady moved a DO PASS motion on the Statement of Intent for House Bill

No. 611. Representative Jenkins seconded the motion. The motion carried unanimously.

ADJOURNMENT: There being no further business before the committee, the meeting was adjourned at 8:10 p.m.

Bob Ream

BOB REAM, Chairman

# STANDING COMMITTEE REPORT

FEBRUARY 19 35
PAGE 1 OF 4 19.....

MR. SPEAKER

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 611

FIRST reading copy (WHITE color)

REQUIRING TATTOO ON CERTAIN BEARS, WOLVES, MOUNTAIN LIONS

AND COYOTES

Respectfully report as follows: That HOUSE Bill No. 611

BE AMENDED AS FOLLOWS:

1. Title, line 4.
Strike: "ANY BEAR, WOLF, MOUNTAIN LION, OR COYOTE"
Insert: "CERTAIN BEARS, WOLVES, MOUNTAIN LIONS, OR COYOTES"

2. Title, line 5.
Following: "TATTOOED"
Strike: "BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS"
Insert: "OR OTHERWISE PERMANENTLY IDENTIFIED"

DO PASS

CONTINUED

.....
Chairman.

STATE PUB. CO.
Helena, Mont.

3. Page 1, line 21.
Following: "(2)"
Strike: "The department shall permanently tattoo each"
Insert: "Each"

4. Page 1, line 22.
Following: "(1)"
Insert: "shall be permanently tattooed"

5. Page 1, line 24.
Following: "animal."
Strike: "The department shall charge a fee of $35 for each animal tattooed, except for those animals captured or held in captivity by the department."

6. Page 2, line 9.
Following: "records."
Insert: "(1)"

7. Page 2, line 10.
Following: "animal"
Strike: "tattooed by"
Insert: "reported to"

8. Page 2, line 12.
Strike: "(1)"
Insert: "(a)"

9. Page 2, line 14.
Strike: "(2)"
Insert: "(b)"

10. Page 2, line 15.
Strike: "(3)"
Insert: "(c)"

11. Page 2, line 16.
Strike: "(4)"
Insert: "(d)"

12. Page 2, line 17.
Strike: "(5)"
Insert: "(e)"

13. Page 2.
Following: line 18
Insert: "(2) The department shall establish by rule a fee to be charged, which may not exceed the administrative cost of maintaining the record required by this section."

CONTINUED

Chairman.

STATE PUB. CO.
Helena, Mont.

14. Page 2, line 21.
Following: "captivity"
Insert: "or that escapes from such captivity"

15. Page 2, line 23.
Following: "holding"
Insert: "or who hold"

16. Page 2.
Following: line 24
Insert: "NEW SECTION. Section 4. Exceptions. This act does not apply to those animals:
(1) captured and released as part of an ongoing game management program or an ongoing predator control program unless such animals have been involved in livestock killing; or
(2) captured and released as part of a scientific, educational or research program as certified by the department."
Renumber: subsequent sections

17. Page 3, line 5.
Strike: "3"
Insert: "4"

18. Page 3, line 7.
Strike: "3"
Insert: "4"

AND AS AMENDED
DO PASS
STATEMENT OF INTENT ATTACHED

BOB RAM, Chairman.

STATE PUB. CO.
Helena, Mont.

This bill requires a statement of intent because section 4 requires the department of fish, wildlife, and parks to adopt a rule establishing a fee to be charged for receiving reports of the capture of animals listed in the bill and maintaining a record of such reports. It is the intent of the legislature that such fee shall reflect the actual administrative cost incurred by the department in carrying out it's responsibility under the bill.

BOB REAM, .....
Chairman.

STATE PUB. CO.
Helena, Mont.

Senator Yellowtail referred to page 6, line 20. He made a MOTION TO AMEND THE BILL by inserting "consistent with the provisions of Section 4" after the word "rule".

Senator Smith said that is probably addressed in Section 1, page 1, lines 18 and 19, which states, "unless done in accordance with the provisions of [Sections 2 through 13]."

Senator Jacobson said Senator Yellowtail's motion would probably clarify it.

Senator Yellowtail's MOTION PASSED UNANIMOUSLY.

Senator Severson made a MOTION THAT HB 770 BE CONCURRED IN AS AMENDED. THE MOTION PASSED UNANIMOUSLY.

CONSIDERATION OF HB 611: Representative Devlin, District 25, chief sponsor, said this bill requires that certain bears, wolves, mountain lions or coyotes captured or held in captivity be permanently tatooed or otherwise permanently identified. If these animals should escape there will be a listed record of the owner of the animal and a penalty for any damage the animal does can be assessed to the owner.

Jim Flynn, Department of Fish, Wildlife and Parks, gave testimony in support of this bill. A copy of his testimony is attached as Exhibit 8.

Don McKamey, Montana Woolgrowers Assocation, supports this bill. He read a statement from the association indicating they wanted a bill such as this introduced this session. See attached Exhibit 9.

Janet Ellis, Montana Audubon Council, supports this bill as it reads now. They feel that this would be a positive step towards improving land owner and wildlife enthusiasts relations.

Lavina Lubinus, Women Involved in Farm Economics, supports this bill. See attached Exhibit 10.

Glenn Sanders supports this bill as he considers it will improve relations between hunters and ranchers.

Robert VanDerVere supports this bill.

Teddy Thompson thinks this bill should pass if it is at all possible.

There were no opponents. Chairman Conover opened the hearing for questions from the committee.

Senator Smith said there is a fellow in his district that runs a feed store and has mountain lions as guards for his feed plant at night. In order to tattoo the animals you would have to tranquilize them and he is concerned that the animals might die from the drug or whatever.

Senator Jacobson referred to the back of the fiscal note on technical or mechanical defects and wondered if there was a definition of hybrids.

Mr. Flynn said that verbiage in the fiscal note does get into a potential gray area and we do not know what to do about it. Some people will not acknowledge their animal is part wolf or coyote and it is difficult to be 100% sure. It is a gray area but we do not know how to address it.

Senator Jacobson asked who will sedate and tattoo the animals.

Mr. Flynn said it would be my assumption this would be done by the local veterinarian.

Senator Jacobson said if the animal dies it would be the veterinarian's problem.

Mr. Flynn said there is not a terribly large possibility of fatality.

Senator Smith asked if there is any other way of permanently identifying those mountain lion than with a tattoo.

Representative Devlin said there is a way of nose printing or paw printing the animals. He is not really sure if there is some way available here to permanently catalog an animal.

Representative Devlin closed by stating the Department should have some handle on a lot of these animals that are kept in captivity.

ACTION ON HB 611: Senator Smith made a MOTION THAT HB 611 BE CONCURRED IN. THE MOTION PASSED UNANIMOUSLY.

ADJOURNMENT: The meeting adjourned at 2:15 P.M.

Max Conover

MAX CONOVER, Chairman

AH

EXHIBIT 8

HB 611

Testimony presented by Jim Flynn, Department of Fish, Wildlife & Parks

March 26, 1985

The bill has merit in that it would provide a mechanism to allow the state to get a handle on the number of these species which are in captivity in the state. At the present time, no such mechanism exists.

These particular species are not covered under the state's game farm laws and thus are not accounted for as are deer, elk, exotic species and captive furbearers and game birds.

We feel the bill has merit and support its passage.

EXHIBIT 10

WITNESS STATEMENT

NAME Lavina Lubinus BILL NO. HB 6

ADDRESS 1501 Chestnut Helena DATE 3/2

WHOM DO YOU REPRESENT? Women Involved in Farm Economics

SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

With the advent of the fashion for exotic pets there needs to be some way to ~~control~~ ~~the~~ warn those who owned them. Too often when they quite being cute they are turned out to make their own way with no fear of humans they tend to make their way in our pastures hen houses - pig pens - knowing full well that domestic animals are easy to catch. This bill will help place the financial burden where it right ly belongs.

We urge your support of HB611

Thank You

Lavina Lubinus

# STANDING COMMITTEE REPORT

March 26, 19 95

MR. PRESIDENT

We, your committee on SENATE FISH AND GAME

having had under consideration HOUSE BILL No. 611

third reading copy ( blue color )

(SMITH WILL CARRY)

REQUIRING TATTOO ON CERTAIN BEARS, WOLVES, MOUNTAIN LIONS, AND COYOTES

Respectfully report as follows: That HOUSE BILL No. 611

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXX~~

MAX CONOVER, Chairman.